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**STATE OF CONNECTICUT
BOARD OF EXAMINERS FOR NURSING**

Norman Cloutier
52 Williams Street
Bristol, CT 06010

MEMORANDUM OF DECISION

Procedural Background

Norman Cloutier (hereinafter "respondent") was issued Licensed Practical Nurse license, No. 015883 on May 17, 1976.

Pursuant to Memorandum of Decision dated September 11, 1985, the Board of Examiners for Nursing (hereinafter "the Board") ordered that respondent's Licensed Practical Nurse license be suspended for a period of three (3) years commencing on October 1, 1985. Respondent petitioned the Board to reinstate his Licensed Practical Nurse license.

Pursuant to the respondent's request, the Board issued a Notice of Hearing dated March 15, 2000, scheduling a hearing for May 17, 2000. Board Exh. 1-1; Dept. Exh. 1.

The hearing took place on May 17, 2000, in the Town Council Chambers, Wethersfield Town Hall, Silas Deane Highway, Wethersfield, Connecticut. Respondent was present at the hearing but was not represented by counsel. Transcript, May 17, 2000.

Each member of the Board involved in this decision attests that he/she was present at the hearing or has reviewed the record, and that this decision is based entirely on the record and the Board's specialized professional knowledge in evaluating the evidence.

Findings of Fact

Based on the testimony given and the exhibits offered into evidence, the Board makes the following Findings of Fact:

1. Pursuant to Memorandum of Decision dated September 11, 1985, the Board ordered respondent's Licensed Practical Nurse license suspended for a period of three (3) years commencing October 1, 1985. The order was based on findings that respondent diverted the controlled substance Percocet; falsified entries on controlled substance disposition records; and self-administered the diverted Percocet while on duty as a nurse. Respondent's conduct occurred during November and December 1994, while employed as a Licensed Practical Nurse at Derby Nursing Center, Derby, Connecticut. Board Exh. 1-2.

2. The Memorandum of Decision dated September 11, 1985 indicates that respondent may apply for reinstatement of his license following the completion of the suspension period. Such application for reinstatement should include documentation of respondent's participation in counseling as well as respondent's plan for completing a refresher course to update his knowledge of nursing theory and his clinical skills. Board Exh. 1-2.
3. Respondent did not reapply for reinstatement of his license following completion of the suspension period.
4. Respondent last abused drugs and/or alcohol in 1991. Board Exh. 1-3; Transcript, May 17, 2000, pp. 18-21.
5. Respondent participated in one-on-one drug and alcohol counseling at the Wheeler Clinic, Plainville, Connecticut during 1994 and 1995. Respondent was discharged from Wheeler Clinic with a recommendation that no further treatment was necessary. Board Exh. 1-3.
6. Since 1992, respondent has been an active participant at the Bristol Recovery Club, Bristol, Connecticut, of which he was a co-founder. Board Exh. 1-3.
7. During 1994, respondent enrolled at Tunxis Community Technical College, Farmington, Connecticut. In June 1999, respondent received an Associate in Science degree as a Drug and Alcohol Rehabilitation Counselor. Respondent Exh. 1.
8. In January 1999, respondent began employment at the Reid Treatment Center, Avon, Connecticut. Respondent worked as substance abuse counselor following receipt of his associates degree. Board Exh. 1-3.
9. Since approximately January 2000, respondent has been employed as a counselor on the acute care unit at Rushford Center, Middletown, Connecticut. Respondent Exh. 1.
10. Respondent plans to take the Licensed Practical Nurse Refresher Program offered at W. F. Kaynor Regional Vocational Technical School, Waterbury, Connecticut. Board Exh. 1-3.

Discussion and Conclusions of Law

In accordance with the Notice of Hearing, respondent has the burden of satisfying the Board that he is able to practice nursing with reasonable skill and safety by presenting relevant evidence the hearing, including the following:

1. Evidence from a licensed therapist documenting his drug free status and participation in therapy or counseling.
2. Personal references addressing his drug free status, emotional health, and work habits;
3. Documentary evidence from his current and past employers;
4. Documentation of participation in support groups.

The Board finds that the respondent has presented relevant evidence as required by the Notice of Hearing. Based on a review of the evidence presented, the Board concludes that respondent has met the burden of satisfying the Board of his ability to return to the practice of nursing with reasonable skill and safety.

Order

Pursuant to its authority under §19a-17 and §20-99 of the General Statutes of Connecticut, the Board of Examiners for Nursing hereby orders the following:

1. The Licensed Practical Nurse license, No. 015883, of respondent, Norman Cloutier, shall be reinstated to probationary status subject to the following conditions.
 - A. Respondent shall successfully complete a Board approved Licensed Practical Nurse refresher program.
 - B. Certification of successful completion of the refresher program cited in Paragraph 1A shall be submitted to the Board, directly from the educational institution where said program was taken, within thirty (30) days of the program's completion.
 - C. Respondent shall make application to the licensing authority of the Department of Public Health (hereinafter "the Department"). Respondent shall be administered the licensing examination for Licensed Practical Nurse. Respondent shall incur all expenses associated with applying for and taking the licensing examination.
 - E. Respondent shall attain a passing score on the licensing examination for Licensed Practical Nurses.
 - F. Until such time that respondent successfully completes the refresher program and has attained a passing score on the licensing examination, respondent is prohibited from practicing as a nurse and respondent's Licensed Practical Nurse license will be restricted and used for the sole purpose of participating in the refresher program.
2. Respondent's Licensed Practical Nurse license, No. 015833, shall be on probation for a period of four (4) years commencing on the date respondent is notified that he passed the Licensed Practical Nurse licensing examination.

3. If any of the following conditions of probation are not met, respondent's Licensed Practical Nurse license may be subject to disciplinary action pursuant to §19a-17 of the General Statutes of Connecticut.
 - A. During the period of probation, the Board shall pre-approve respondent's employment or change of employment within the nursing profession.
 - B. Respondent shall provide a copy of this Memorandum of Decision to any and all employers if employed as a nurse during the probationary period. The Board shall be notified in writing by any employer(s), within thirty (30) days of the commencement of employment, as to receipt of a copy of this Memorandum of Decision.
 - C. Respondent shall not administer, count or have access to controlled substances, or have responsibility for such activities in the course of nursing duties during the first year of working as a nurse during the probationary period. Respondent may administer controlled substances as part of the licensed practical nurse refresher program provided he receives direct supervision from a nursing instructor.
 - D. If employed as a nurse, respondent shall cause monthly employer reports to be submitted to the Board, by his immediate supervisor during the entire probationary period. Employer reports shall be submitted commencing with the report due on the first business day of month following employment as a nurse.
 - E. The employer reports cited in Paragraph 3D above shall include documentation of respondent's ability to safely and competently practice nursing. Employer reports shall be submitted directly to the Board at the address cited in Paragraph 3Q below.
 - F. Should respondent's employment as a nurse be involuntarily terminated, respondent and/or his employer shall notify the Board, within seventy-two (72) hours, of such termination.
 - G. If respondent pursues further training in any subject area that is regulated by the Department, respondent shall provide a copy of this Memorandum of Decision to the educational institution or, if not the institution, to respondent's instructor. Such institution or instructor shall notify the Department in writing of receipt of a copy of this Memorandum of Decision within fifteen (15) days of receipt.

Said notification shall be submitted directly to the Department at the address cited in Paragraph 3Q below.

- H. At his expense, respondent shall engage in therapy and counseling for chemical dependency with a Connecticut licensed or certified therapist, approved by the Board and the Department, during the entire period of probation.
- I. Respondent shall provide a copy of this Memorandum of Decision to his therapist. The Board shall be notified in writing by his therapist, within thirty (30) days of the effective date of this Decision, as to receipt of a copy of this Memorandum of Decision.
- J. Respondent shall cause quarterly evaluation reports to be submitted to the Board by his therapist during the entire probationary period.
- K. The therapist reports cited in Paragraph J above shall include documentation of dates of treatment, and an evaluation of respondent's progress, including alcohol and drug free status, and ability to safely and competently practice nursing. Therapist reports shall be submitted directly to the Board at the address cited in Paragraph 3Q below.
- L. At his expense, respondent shall be responsible for submitting to observed random chain of custody urine and/or blood screens for alcohol and drugs for the entire probationary period, at a testing facility approved by the Board, after consultation with the Department, as ordered by his therapist, and/or personal physician, and/or employer. Alcohol/drug screening may also be ordered by the Board of Examiners for Nursing to ensure compliance with this Order. Random alcohol/drug screens shall be legally defensible in that specimen donor and chain of custody can be identified throughout the screening process. Respondent shall be responsible for immediately notifying the laboratory, his therapist and/or personal physician and the Board of Examiners for Nursing of any drug(s) he is taking.
 - (1) There must be at least three (3) such random alcohol/drug screens monthly during the four-year probationary period.
 - (2) Random alcohol/drug screens shall be negative for the presence of alcohol and drugs. All positive results shall be confirmed by the Gas Chromatograph Mass Spectrometer (GC/MS) testing method. Chain of custody documentation must accompany all laboratory reports and/or the

laboratory reports must indicate that chain of custody procedures have been followed.

- (3) Random alcohol/drug screens must include testing for the following substances:

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|--------------------------------|-----------------------|
| Amphetamines | Methadone |
| Barbiturates | Methaqualone |
| Benzodiazepines | Opiates (Metabolites) |
| Cannabinoids (THC Metabolites) | Phencyclidine (PCP) |
| Cocaine | Propoxyphene |
| Meperidine (Demerol) | Ethanol (alcohol) |

- (4) Laboratory reports of random alcohol and drug screens shall be submitted directly to the Board and the Department, at the address cited in Paragraph Q below, by respondent's therapist, personal physician or the testing laboratory.

- M. Respondent shall not obtain for personal use and/or use alcohol or any drug that has not been prescribed for him, for a legitimate purpose, by a licensed health care practitioner authorized to prescribe medications. Respondent shall not abuse and/or excessively use any drugs that are prescribed for a legitimate medical purpose.
- N. Respondent is hereby advised that the ingestion of poppy seeds may produce a positive drug screen result indicating the presence of opiates/morphine. For that reason, any food substance containing poppy seeds should be avoided during the probationary period. In the event that a drug/alcohol screen is positive for opiates/morphine, the ingestion of poppy seeds shall not constitute a defense to such positive screen.
- O. The Connecticut Board of Examiners for Nursing must be informed in writing prior to any change of employment.
- P. The Connecticut Board of Examiners for Nursing must be informed in writing prior to any change of address.
- Q. All correspondence and reports are to be addressed to:

Bonnie Pinkerton, RN, Nurse Consultant
Department of Public Health
Division of Health Systems Regulation
410 Capitol Avenue, MS #12HSR
P. O. Box 340308
Hartford CT 06134-0308

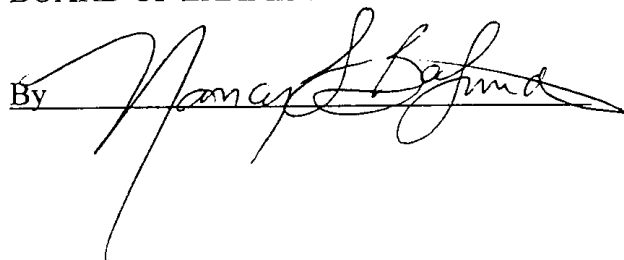
4. That any deviation from the terms of probation, without prior written approval by the Board of Examiners for Nursing, shall constitute a violation of probation, which will be cause for an immediate hearing on charges of violating this Order. Any finding that respondent has violated this Order will subject respondent to sanctions under §19a-17(a) and (c) of the General Statutes of Connecticut, including but not limited to, the revocation of his license. Any extension of time or grace period for reporting granted by the Board of Examiners for Nursing shall not be a waiver or preclude the Board's right to take subsequent action. The Board of Examiners for Nursing shall not be required to grant future extensions of time or grace periods. Notice of revocation or other disciplinary action shall be sent to respondent's address of record (most current address reported to the Licensure and Registration Section of the Division of Health Systems Regulation of the Department of Public Health or the Board of Examiners for Nursing).
5. That this Memorandum of Decision becomes effective on the date signed by the Board of Examiners for Nursing.

The Board of Examiners for Nursing hereby informs respondent, Norman Cloutier, and the Department of Public Health of the State of Connecticut of this decision.

Dated at Hartford, Connecticut this 6th day of September, 2000.

BOARD OF EXAMINERS FOR NURSING

By

A handwritten signature in black ink, appearing to read "Norman Cloutier", is written over a horizontal line. The signature is fluid and cursive.